

SUMMARY OF CHANGES IN CHAPTER 120

1983 LEGISLATIVE SESSION

These changes were prepared by the staff of the Senate Governmental Operations Committee in the Joint Legislative Management Summary of General Legislation, 1983.

Administrative Procedure Act

The Administrative Procedure Act, Chapter 120, F.S., was amended to define the procedural rights of parolees and inmates. The procedures for obtaining consumptive use permits from water management districts were also addressed. Notice requirements for hearings before unemployment compensation appeals referees were reduced.

SENATE BILL 354 (CHAPTER 83-78) amends Subsection 120.52(10), F.S., to grant an exemption from judicial review in all matters relating to the recommendation and establishment of an effective parole release date and its review. Inmates eligible for such parole procedures will be able to appeal adverse decisions following administrative remedies through the use of the extraordinary writs of mandamus, habeas corpus or certiorari.

With regard to applications for consumptive use permits, Section 120.57, F.S., is amended to provide that the water management district on its own motion may, or if requested by the applicant shall, refer the matter to the Division of Administrative Hearings of the Department of Administration. The Division will then appoint a hearing officer to conduct the hearing on the permit application. The applicant will pay the cost of preserving testimony and providing transcripts to the water management district.

Notices for hearings before unemployment compensation appeals referees will not be required to contain a short and plain statement of the matters asserted by the agency and parties.

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Department of Professional Regulation
Regulatory Boards

HOUSE BILL 18-B (CHAPTER 83-329) also provides changes made to provisions in the Administrative Procedure Act relating to the disqualification of agency personnel in an agency proceeding (Section 120.71, F.S.), including a change deeming the replacement of a disqualified individual to be unnecessary if a quorum remains.

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State Purchasing and Contractual Services-
Electronic Data Processing

COMMITTEE SUBSTITUTE FOR HOUSE BILL 179 (CHAPTER 83-92) repeals the Florida Electronic Data Processing Management Act (Part II of Chapter 23, F.S.), and shifts EDP management responsibility, by creation of Section 14.203, F.S., and Chapter 24, F.S., from the Department of General Services to the Governor and Cabinet sitting as the Information Resource Commission. The Division of Electronic Data Processing in DGS is abolished. All Division personnel, except those who operate the Administrative Management Information Center, are transferred to the Commission. AMIC personnel are reassigned to a newly created Division of Information Services in DGS. Agencies will submit plans to the Commission addressing their strategic objectives of information technology resources for the next 4 years and their additional needs for the next 2 years. Agencies will not be allowed to purchase information technology resources which are not provided for in their Commission-approved plans.

A Legislative Information Technology Resource Committee is created in Section 11.39, F.S., to recommend needed legislation in the areas of information technology resource use and management, to review agency practices and to assist standing legislative committees. The joint committee will consist of three senators and three representatives appointed by the respective presiding officer.

The new law also amends Chapter 120.53, Florida Statutes to read as follows:

"Adoption of rules of procedure and public inspection.--

- (5) An agency which enters into a contract pursuant to the provisions of Chapter 24, Chapter 255, Chapter 287, or Chapters 334 through 349 adopt rules specifying procedures for the resolution of protests arising from the contract bidding process."

The statute previously read ... "An agency which enters into a contract pursuant to the provisions of Part II of Chapter 23...."

These changes were prepared by the staff of the House Education, K-12 Committee in the Joint Legislative Management Summary of General Legislation, 1983.

Florida School for the Deaf and the Blind

SENATE BILL 4-C (CHAPTER 83-351) relating to the Florida School for the Deaf and the Blind provides for a more formal approach to rulemaking by the School's Board of Trustees. Under revised Subsection 242.331(3), F.S., rules approved by the Board must now be submitted to the State Board of Education which may then reject them. Adopted rules must then be filed and published by the Secretary of State.

Paragraph 120.54(11)(a), F.S., is amended to require the School to file proposed rules with the Administrative Procedures Committee and Paragraph 120.55(1)(a), F.S., is revised to delete the School as an entity whose rules are not published in the Florida Administrative Code.

These changes were prepared by the staff of the Senate Governmental Operations Committee in the Joint Legislative Management Summary of General Legislation, 1983.

HOUSE BILL 1257 (CHAPTER 83-273) defines "communications media technology" in Section 120.52, F.S., and adds Subsection (6) to Section 120.53, F.S., to require agencies to adopt rules to permit the use of electronic communications media technology at public hearings,

meetings and workshops and for taking evidence, testimony and argument at such meetings. Agencies will be able to utilize the electronic transmission of printed, audio or video information to increase the efficiency and convenience of the parties participating in the meetings, hearings and workshops. Information transmitted through the use of electronic communications media technology shall be treated as equal to information received by traditional methods.

Please refer to Senate Bill 873 (Chapter 83-217) and Senate Bill 872 (Chapter 83-216). Both laws are Revisor's bills.

Chapter 83-216 is an amendment to remove an obsolete provision; ss.949.10 and 949.11 were repealed by s.18, Ch. 82-171, Laws of Florida.

Chapter 83-216 is an amendment to improve clarity by conforming the terminology.